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IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

JEFFREY HANSEN,

Plaintiff,

vs.

HARPER EXCAVATING, INC.;
REGENCE BLUECROSS
BLUESHIELD OF UTAH,

Defendants.

**PLAINTIFF'S MOTION FOR
SUMMARY JUDGMENT**

ORAL ARGUMENT REQUESTED

Case No. 2:05-CV-940 DAK
Judge Dale A. Kimball

Plaintiff Jeffrey Hansen ("Hansen") moves this Court for Summary Judgment against Defendant Harper Excavating, Inc. ("Harper") pursuant to Rule 56(c) of the Federal Rules of Civil Procedure. There are no genuine issues of fact in dispute to preclude entry of judgment in favor of Hansen and against Harper regarding Hansen's ERISA and COBRA claims at issue herein. Specifically, Hansen claims that Harper

breached its fiduciary duties to him as Plan Administrator of its health care benefits plan, that it should be estopped from denying Hansen's eligibility for and entitlement to plan benefits, and that it failed to provide Hansen with the notices required by COBRA. Further, Hansen seeks summary judgment decreeing that Harper is liable to him for the civil penalties imposed by ERISA for its failure and refusal to timely provide him with the Plan documents following his written request for the same.

Hansen's Motion is supported by the accompanying Memorandum in Support of his Motion for Summary Judgment, and by the points and authorities cited therein. Hansen further respectfully requests that oral argument be had on his Motion.

Dated this 31st day of August, 2006.

LAW OFFICE OF ELIZABETH M. PECK

By: _____

Elizabeth M. Peck

Co-Counsel for Plaintiff Jeffrey Hansen

CERTIFICATE OF SERVICE

I hereby certify that on the 31ST day of August, 2006, I caused to be sent, via electronic filing, a true and correct copy of PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT to the following:

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